

CAROLYN S. STICE
Claimant

AUTOMOTIVE CONTROLS CORPORATION
Respondent

HARTFORD ACCIDENT AND INDEMNITY
Insurance Carrier

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ORDER

ISSUES

The Administrative Law Judge granted claimant's request for authorization of medical treatment through John M. Veitch, M.D. Dr. Veitch's letter dated October 29, 1999, was admitted into the preliminary hearing record. In that letter, Dr. Veitch recommended the claimant consider a resectional arthroplasty for her right dominant hand with ligamentous stabilization and an arthrodesis for the left hand.

On appeal, the respondent argues claimant's present need for medical treatment is not related to her employment with respondent. Respondent contends it is instead the result of a degenerative arthritic disease process unrelated to her employment.

Conversely, claimant contends she has proven, through her testimony and the medical evidence admitted into the preliminary hearing record, that her present need for medical treatment is related to her repetitive hand-intensive work activities.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the preliminary hearing record and considering the parties' briefs, the Appeals Board finds the Administrative Law Judge's preliminary hearing Order should be affirmed.

Claimant has worked for the respondent since August 23, 1982. She started having pain and discomfort in her thumbs as far back as 1983 when she worked in the packaging department. The packaging department job duties required claimant to perform repetitive forceful activities with her hands.

Claimant was transferred out of the packaging department in 1989. But her new job duties in the thick film department, although she was working with different materials, still required claimant to perform repetitive forceful activities with both hands. Claimant testified that over the years the pain and discomfort progressively worsened as she continued to perform her repetitive hand-intensive job duties.

The Administrative Law Judge admitted into the preliminary hearing record a letter dated February 20, 1990, from orthopedic surgeon Lanny W. Harris, M.D. Dr. Harris had examined claimant on that date for upper extremity complaints. It was Dr. Harris' impression that claimant had chronic tendonitis of the left elbow and early degenerative joint disease with hypermobility of the CMC joint of the right thumb. He recommended claimant avoid repetitive heavy grasping or pinching activities with the right hand. The doctor also found that claimant's right thumb joint had some early arthritic changes. Dr. Harris recommended, in order to prevent the arthritic changes from progressing more rapidly, that the previous mentioned activities should be avoided.

The Appeals Board finds claimant's testimony established since 1990 she has continued to perform repetitive hand-intensive work activities for the respondent, causing her hand symptoms to worsen. In a workers compensation case, it has long been established that where a pre-existing condition is aggravated or accelerated by a worker's usual work tasks, the resulting injury is compensable.¹

WHEREFORE, it is the finding, decision, and order of the Appeals Board that Administrative Law Judge Jon L. Frobish's May 4, 2000, preliminary hearing Order should be, and it is hereby, affirmed.

¹ See Claphan v. Great Bend Manor, 5 Kan. App. 2d. 47, 49, 611 P.2d 180, *rev. denied* 228 Kan. 806 (1980).

IT IS SO ORDERED.

Dated this ____ day of July 2000.

BOARD MEMBER

c: Patrick C. Smith, Pittsburg, KS
Garry W. Lassman, Pittsburg, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director